

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Joseph R Manning Jr Esq SBN 223381 Michael J Manning SBN 286879 MANNING LAW APC 4667 MacArthur Blvd, Ste 150 Newport Beach, CA 92660		FOR COURT USE ONLY
TELEPHONE NO 949-200-8755 FAX NO. (Optional) E-MAIL ADDRESS (Optional)		
ATTORNEY FOR (Name) James Rutherford an individual		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Riverside STREET ADDRESS 3470 12th Street MAILING ADDRESS same CITY AND ZIP CODE Riverside CA 92501 BRANCH NAME Eastern Division		
PLAINTIFF/PETITIONER James Rutherford , an individual DEFENDANT/RESPONDENT Cervantes Mexican Fiesta Food a business of unknown form et al		CASE NUMBER 5:18 cv 01357 - RGK-FFM
PROOF OF SERVICE OF SUMMONS		Ref No or File No

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (*served in complex cases only*)
 - e. cross-complaint
 - f. other (*specify documents*) Notice of Assignment, Certification and Notice of Interested Parties, Notice to Parties ADR Directed Program, Standing Order Notice of Inspection
3. a Party served (*specify name of party as shown on documents served*)

Talat Radwan and Jason Radwan CoTrustees of the Malik Living Trust dated January 1998 and restated December 15 2000

b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (*specify name and relationship to the party named in item 3a*):
4. Address where the party was served:
26371 Avery Pkwy , Suite B Mission Viejo CA 92640
5. I served the party (*check proper box*)
 - a. by **personal service**. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. by **substituted service**. On (date): 7/6/2018 at (time): 9:25 AM I left the documents listed in item 2 with or in the presence of (*name and title or relationship to person indicated in item 3*): John Doe - (Approx 65 yrs old gray hair 5'8 170 lbs) who asked me to place it at drop box because he said they never open office . They just pick up mail.
 - (1) (**business**) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (**home**) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (**physical address unknown**) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): 7-7-18 from (city): *Murheim CA* or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER:	James Rutherford , an individual	CASE NUMBER
DEFENDANT/RESPONDENT:	Cervantes Mexican Fiesta Food a business of unknown form et al	

- 5 c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (specify means of service and authorizing code section): _____

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- as an individual defendant.
 - as the person sued under the fictitious name of (specify)
 - as occupant.
 - On behalf of (specify) Talat Radwan and Jason Radwan CoTrustees of the Malki Living Trust dated January 1998 and restated December 15 2000 under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input checked="" type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- Name: Adriana M Achucarro
- Address: 2390 E Orangewood Ave #530, Anaheim, CA 92806
- Telephone number: 949-305-9108
- The fee for service was: \$ 59
- I am:
 - not a registered California process server.
 - exempt from registration under Business and Professions Code section 22350(b).
 - a registered California process server:
 - owner employee independent contractor.
 - Registration No.: 2898
 - County: Orange

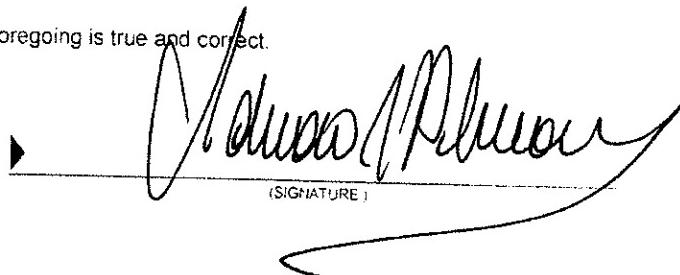
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 7/12/2018

Adriana M Achucarro

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

UNITED STATES DISTRICT COURT CENTRAL DISTRCIT OF CALIFORNIA

EASTERN DIVISION

JAMES RUTHERFORD, an individual et al

PLAINTIFF(S)

vs

CASE NUMBER

5:18 CV 01357

Cervantes Mexican Fiesta Food a business of DECLARATION OF DUE DILIGENCE

unknown form et al

DEFENDANT(S)

I served Summons, Complaint, Civil Case Cover Sheet Notice of Assignment, Certification and Notice of Interested Parties, Notice to Parties of Court Directed ADR Program, Notice of Inspection Standing Order

SUBSTITUTE SERVICE PERSUANT TO C.C.P. 415.20 (a) (b) Talat Radwan and Jason Radwan Co Trustees of the Malki Living Trust Dated January 7 1998 and restated December 15 2000

By leaving with a person at least 18 years of age: John Doe (Approx 65 yrs old 5'8" 170 lbs gray hair who asked me to drop it at drop box because he said they never open office. They just pick up mail.

Date: 7/6/2018

Time: 9:25 AM

Address and City where served 26371 Avery Pkwy #B Mission Viejo CA 92640

On 7/7/2018 mailed a copy from Anaheim CA to the above address by first class mail postage fully prepaid. The substitute service was made only after making the following attempts to serve the defendant(s) personally.

CERTIFICATE OF REASONABLE DILIGENCE

ON THE FOLLOWING DATE AND TIMES, I FIRST ATTEMPTED TO MAKE A PERSONAL SERVICE BUT WAS UNABLE FOR THE REASONS AS SHOWN:

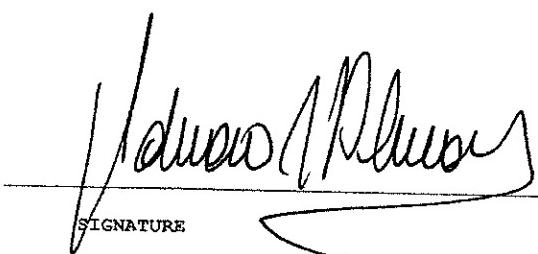
6

6/29/2018 10:40AM Defendants were not at business

7/3/2018 4:25 PM Defendants were not at business

7/6/2018 9:25 AM Documents left with John Doe (Approx 65 yrs old 5'8" 170 lbs gray hair who asked me to drop it at drop box because he said they never open office. They just pick up mail.

Executed on 7/12/2018 at ANAHEIM, CA


SIGNATURE

Adriana M Achucarro/ R.T.O.T. Inc.
PSC# 2898 / Orange COUNTY
2390 E ORANGEWOOD AVE #530. ANAHEIM, CA 92806
(949) 305-9108